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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,813	12/20/2001	Benjamin J. Parker	1793(15811)	1041
33272	7590	10/11/2005	EXAMINER DYKE, KERRI M	
SPRINT COMMUNICATIONS COMPANY L.P. 6391 SPRINT PARKWAY MAILSTOP: KSOPHT0101-22100 OVERLAND PARK, KS 66251-2100			ART UNIT 2667	PAPER NUMBER

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/033,813	Applicant(s) PARKER ET AL.	
	Examiner Kerri M. Dyke	Art Unit 2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/14/03, 7/30/02, 3/1/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 3 element 26 and Figure 10 elements 311-313. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-6 and 8-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 4-6 and 9 recite the limitation "data messages" in the first line of each claim. There is insufficient antecedent basis for this limitation in the claim.

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5. Claim 8 recites the limitation "data messages" in the third line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-5 and 7-27 rejected under 35 U.S.C. 102(e) as being anticipated by Ranalli et al. (US 6,539,077).

8. In regards to claims 1-5 and 7-27 the Ranalli et al. patent in its entirety is particularly relevant. It discloses several different embodiments of a method for exchanging data by dialing a phone number and having the phone number matched to its IP address. Each end user is supplied with the IP address of the other end user in order to facilitate message transfer. The database of records, which contains the matching IP/phone addresses, is kept in a server through which calls are routed. Data messages include voice conversations and data files. The data files can be sent to an end computer or to a printer. An initiation request, broadly interpreted, is the act of picking up the phone and dialing the desired phone number. In the same manner the acceptance message is answering the phone and the data messages can only be exchanged after acceptance. Ranalli also describes a method of registering a new user to the database, which includes supplying an IP address and unique identifier, i.e. a telephone number. A computer program product is specifically mentioned in column 17 lines 19-21.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ranalli et al. (US 6,539,077) in view of Tompkins et al. (US 4,710,917).

11. In regards to claim 6 and 28-29, Ranalli et al. discloses the address translation system, but not using it for video telephony.

Tompkins et al. disclose a network to enable video conferencing.

It would have been obvious to one of ordinary skill in the art to use the methods of Ranalli et al. to enable full color, real-time video conferencing as taught by Tompkins et al. because full color, real-time video is the most desirable method for video conferencing as taught by Tompkins et al. in column 1 lines 63-64. Ranalli et al. also discloses in column 1 line 57 – column 2 line 20 that their method results in lower costs, a major concern for video teleconferencing, as disclosed by Tompkins et al. in column 1 line 24.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Petty et al. (US 6,337,858), Jandel (US 6,097,793), Emerson, III (US 6,704,305), Klein (US 6,690,672), Schuster et al. (US 6,674,745), Cruickshank (US 6,704,294), Cobbett et al. (US 6,775,366) and Walsh et al. (US 5,642,410) all disclose methods for

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connecting end users by matching the dialed phone number to an IP address in a database.

b. Lund (US 5,949,763), Lor (US 6,201,562) and Keenan et al. (US 6,539,011) disclose methods for placing videophone calls over a broadband network.


c. Ehlinger (US 6,693,893) discloses a method where the call originates on an IP network. A database lookup converts the IP address to a PSTN phone number and a server generates the appropriate DTMF signals in order to place the call.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kerri M. Dyke whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Friday, 8:10 am - 4:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kmd


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2667 9/29/05